

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 14a0827n.06

No. 14-1067

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Oct 31, 2014
DEBORAH S. HUNT, Clerk

TERRIE M. HEIBEL, JOSEPH T. KRYWICKI, and)
SUSAN C. KRYWICKI,)

Plaintiffs-Appellants,)

v.)

FEDERAL NATIONAL MORTGAGE)
ASSOCIATION,)

Defendant-Appellee,)

FEDERAL HOUSING FINANCE AGENCY,

Intervenor-Appellee.

ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE WESTERN
DISTRICT OF MICHIGAN

MEMORANDUM OPINION

BEFORE: GIBBONS and KETHLEDGE, Circuit Judges; and DOW, District Judge.*

PER CURIAM. In 2008, Terrie Heibel and Joseph Krywicki signed a note and mortgage to purchase a house in Holland, Michigan, in which their daughter and grandchildren could live. After default and foreclosure on the home, the foreclosing creditor assigned its interest in the property to the Federal National Mortgage Association (“Fannie Mae”), which by that time had been placed into conservatorship by the Federal Housing Finance Agency (“FHFA”). Fannie Mae then brought an action to evict the daughter from the residence. In response, Heibel, Krywicki, and their daughter initiated a separate state court action against

*The Honorable Robert M. Dow, Jr., United States District Judge for the Northern District of Illinois, sitting by designation.

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Fannie Mae and its predecessors in interest, alleging violation of their constitutional due process rights. After defendants removed and FHFA intervened as conservator, the district court held that Fannie Mae was not a government entity subject to such a constitutional limitation and dismissed the due process claim. Heibel and her family ask us to review that decision, and whether Fannie Mae is a government actor presents the sole question in this appeal.

We have recently answered that exact question in the negative, fully cognizant of FHFA's conservatorship. *See Rubin v. Fannie Mae*, No. 13-1010, 2014 WL 4800282, at *1–2 (6th Cir. Sept. 29, 2014); *Bernard v. Fed. Nat'l Mortg. Ass'n*, No. 13-1477, 2014 WL 4800123, at *4 (6th Cir. Sept. 29, 2014). We have similarly rejected arguments that Fannie Mae's twin, Freddie Mac, is a government actor for the purpose of constitutional claims. *See Fed. Home Loan Mortg. Corp. v. Gaines*, No. 13-1249, 2014 WL 4815274, at *1–2 (6th Cir. Sept. 30, 2014); *Mik v. Fed. Home Loan Mortg. Corp.*, 743 F.3d 149, 168 (6th Cir. 2014). Given the full reasoning of those cases, no more explanation is necessary here. We agree with the holding of the district court and affirm its judgment.